

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EUGENE BRIAN GARVIE,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 2:24-cv-00531-LK

ORDER DENYING CERTIFICATE
OF APPEALABILITY

This matter comes before the Court on a Docketing Notice from the Ninth Circuit Court of Appeals stating that “[n]o briefing schedule will be set until this court and/or the district court determines whether a certificate of appealability (COA) should issue.” Dkt. No. 20 at 1. This Court previously dismissed the case because Petitioner Eugene Garvie failed to prosecute his case, pay the required filing fee, or comply with the Court’s Order to Show Cause. Dkt. No. 17 at 3–4.

A certificate of appealability may issue only where a petitioner has made “a substantial showing of the denial of a constitutional right.” *See* 28 U.S.C. § 2253(c)(2). A petitioner satisfies this standard “by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are

adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Under this standard, this Court concludes that Mr. Garvie is not entitled to a certificate of appealability in this matter.

Dated this 10th day of September, 2024.



Lauren King
United States District Judge